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July 26, 2023

BY REGULAR MAIL AND E-MAIL

Mary Sherwood, Esq.
Assistant Corporation Counsel
Special Federal Litigation Division
New York City Law Department
100 Church Street, Room 3-169
New York, NY 10007

Re: Rayne Valentine v. City of New York. – 21-cv-4867 (EK) (VMS)

Counsel:

I write to inform you that Mr. Valentine hereby accepts Defendants' Rule 68 Offer of Judgment dated July 13, 2023, a copy of which is attached.

I will contact you separately regarding the outstanding claims for attorney's fees and costs to see if we can reach a stipulation that would avoid the need for a formal application to the Court.

Thank you for your consideration in this matter.

Yours,

Gideon Orion Oliver

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAYNE VALENTINE,

Plaintiff,

-against-

**RULE 68
OFFER OF JUDGMENT**

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO; NEW YORK CITY POLICE DEPARTMENT (“NYPD”) COMMISSIONER DERMOT SHEA; NYPD OFFICER DIMITRI KALININ, SHIELD NUMBER 27547; NYPD OFFICER MICHAEL LICATA, SHIELD NUMBER 27684; NYPD OFFICER ALNALDO RODRIGUEZ, SHIELD NUMBER 27536; NYPD OFFICER DOUGLAS SHEEHAN, SHIELD NUMBER 26759; NYPD OFFICER ARTHUR VANZILEN, SHIELD NUMBER 29090; NYPD OFFICER JOHN VARGAS, SHIELD NUMBER 16643; NYPD OFFICER NASIMDZHON MELIKOV, TAX REGISTRY NUMBER 964164; NYPD OFFICER STEVEN ZANCA, SHIELD NUMBER 4377; NYPD SERGEANT ROBERT BELLANTONIO, TAX REGISTRY NO. 948651; NYPD SERGEANT MATTHEW JOZWICKI, SHIELD NUMBER 04905; NYPD SERGEANT BILL MORRISSEY; NYPD DETECTIVE GABRIEL ECHEVARRIA, SHIELD NUMBER 6488; NYPD DETECTIVE RAYMOND GORDON, SHIELD NUMBER 4592; NYPD DETECTIVE JOHN HOLLAND, SHIELD NUMBER 4102; NYPD DETECTIVE AMJAD KASAJI, SHIELD NO. 6901; NYPD DETECTIVE WARREN ROHAN, SHIELD NUMBER 2378; NYPD DETECTIVE MICHAEL SCOLOVENO, SHIELD NUMBER 5901; NYPD DETECTIVE ANIBAL TORRES, SHIELD NUMBER 2123; and NYPD MEMBERS JOHN DOES 1-11,

21-CV-4867 (ERK) (VMS)

Defendants.

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Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants, and any defendant who is currently or subsequently named and hereafter represented by the Office of the

Corporation Counsel in this action, hereby offer to allow plaintiff Rayne Valentine to take a judgment against the City of New York in this action for the total sum of One Hundred Twenty-Five Thousand and One (\$125,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiff's federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights that plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment may only be accepted by written notice within 14 days after being served.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that plaintiff has suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by plaintiff arising out of the facts and circumstances that are the subject of this action.

Acceptance of this offer of judgment also will operate to waive plaintiff's rights to any claim for interest on the amount of the judgment.

Plaintiff Rayne Valentine agrees that payment of One Hundred Twenty-Five Thousand and One (\$125,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If plaintiff Rayne Valentine is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date plaintiff submits to counsel for defendants a final demand letter from Medicare.

By acceptance of this Rule 68 Offer of Judgment, plaintiff Rayne Valentine agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff Rayne Valentine further agrees to hold harmless defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

The judgment shall contain and recite the terms and conditions set forth herein.

Dated: New York, New York
July 13, 2023

HON. SYLVIA O. HINDS-RADIX
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City of New York
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By 
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